

**BOARD BILL # 161**

**INTRODUCED BY ALDERWOMAN PHYLLIS YOUNG**

1 AN ORDINANCE AFFIRMING ADOPTION OF A REDEVELOPMENT PLAN,  
2 REDEVELOPMENT AREA, REDEVELOPMENT PROJECT AREA, AND  
3 REDEVELOPMENT PROJECT; AUTHORIZING THE EXECUTION OF  
4 REDEVELOPMENT AGREEMENTS BETWEEN THE CITY OF ST. LOUIS AND CITY  
5 HOSPITAL DEVELOPMENT III, LLC AND CITY HOSPITAL DEVELOPMENT IV, LLC,  
6 RESPECTIVELY ; PRESCRIBING THE FORM AND DETAILS OF SAID AGREEMENT;  
7 DESIGNATING CITY HOSPITAL DEVELOPMENT III, LLC AND CITY HOSPITAL IV,  
8 LLC, COLLECTIVELY, AS DEVELOPER OF REDEVELOPMENT PROJECT AREA 2;  
9 MAKING CERTAIN FINDINGS WITH RESPECT THERETO; AUTHORIZING OTHER  
10 RELATED ACTIONS IN CONNECTION WITH THE REDEVELOPMENT OF CERTAIN  
11 PROPERTY WITHIN THE REDEVELOPMENT AREA; AND CONTAINING A  
12 SEVERABILITY CLAUSE.

13 **WHEREAS**, the City of St. Louis, Missouri (the “City”), is a body corporate and a  
14 political subdivision of the State of Missouri, duly created, organized and existing under and by  
15 virtue of its charter, the Constitution and laws of the State of Missouri; and

16 **WHEREAS**, on December 20, 1991, pursuant to Ordinance No. 62477, the Board of  
17 Aldermen of the City created the Tax Increment Financing Commission of the City of St. Louis,  
18 Missouri (the “TIF Commission”); and

19 **WHEREAS**, by Ordinance No. 65977, the City, upon the recommendation of the TIF  
20 Commission, approved the City Hospital Tax Increment Financing Redevelopment Plan for the  
21 City Hospital Redevelopment Area (the “Redevelopment Area” or “Area”) dated June 13, 2003,  
22 as amended April 20, 2007 (the “Original Plan”), which original Plan included three separate

1 redevelopment project areas within the Area and provided for redevelopment of such project  
2 areas through three separate redevelopment projects; and

3       **WHEREAS**, a subsequent amendment to the Original Plan was offered entitled the  
4 “Amendment to the City Hospital TIF Redevelopment Plan”, dated March 20, 2008, as revised  
5 May 14, 2008, as revised June \_\_, 2008, as may be amended from time to time (the Original Plan  
6 as so amended thereby being the “Redevelopment Plan” or the “Plan”); and

7       **WHEREAS**, on May 16, 2008, after all proper notice was given, the TIF Commission  
8 held a public hearing in conformance with the TIF Act (hereinafter defined) and received  
9 comments from all interested persons and taxing districts affected by the Redevelopment Plan  
10 and the redevelopment project (the “Redevelopment Project”) described therein with respect to  
11 the redevelopment project area identified as “Redevelopment Project Area 2” or “RPA 2” (“RPA  
12 2”or “Redevelopment Project Area 2”); and

13       **WHEREAS**, pursuant to the Real Property Tax Increment Allocation Redevelopment  
14 Act, Sections 99.800 through 99.865 of the Revised Statutes of Missouri (2000), as amended (the  
15 “Act” or “TIF Act”), and after due consideration of the TIF Commission’s recommendations, the  
16 Board of Aldermen of the City of St. Louis, Missouri adopted Ordinance No. \_\_\_\_\_ [Board  
17 Bill No. \_\_\_\_] on \_\_\_\_\_, 2008, which Ordinance: (i) adopted and approved the  
18 Redevelopment Plan as amended, (ii) affirmed the designation of the Redevelopment Area (as  
19 described in the Redevelopment Plan) as a “redevelopment area” as that term is defined in the  
20 TIF Act, (iii) adopted and approved the Redevelopment Project described in the Redevelopment  
21 Plan with respect to RPA 2, (iv) adopted tax increment allocation financing within RPA 2, and  
22 (v) made certain findings with respect thereto, all as set forth in such Ordinance and in  
23 accordance with the requirements of the Act; and

1           **WHEREAS**, the Redevelopment Plan proposes to redevelop the Redevelopment Area by  
2     the rehabilitation of existing buildings and construction of new improvements into a mix of  
3     residential and commercial space, as set forth in the Redevelopment Plan (the “Redevelopment  
4     Project,” or “TIF Project”); and

5           **WHEREAS**, the Redevelopment Plan provides that the Redevelopment Project for RPA  
6     2 may be carried out in two separate phases (each a “Phase” and collectively, the “Phases”), such  
7     phases being “Phase 1” and “Phase 2” (as further described in the Plan); and

8           **WHEREAS**, the Board of Aldermen has determined that completion of the  
9     Redevelopment Project is of economic significance to the City, will serve to benefit the general  
10    welfare, qualifies for the use of tax increment allocation financing to alleviate the conditions that  
11    qualify the Redevelopment Area as a “redevelopment area” as provided in the TIF Act, and  
12    further, that redevelopment of the Redevelopment Area in accordance with the Redevelopment  
13    Plan is not financially feasible without the adoption of tax increment allocation financing and  
14    would not otherwise be completed; and

15          **WHEREAS**, the Redevelopment Area qualifies for the use of tax increment allocation  
16    financing to alleviate the conditions that qualify it as a “blighted area” as provided in the TIF Act  
17    and as set forth herein; and

18          **WHEREAS**, it is necessary and desirable and in the best interest of the City to enter into  
19    (i) a Redevelopment Agreement with City Hospital Development III, LLC a Missouri limited  
20    liability company (the “Phase 1 Developer”) with respect to the redevelopment of Phase 1 of the  
21    Redevelopment Project, and (ii) a Redevelopment Agreement with City Hospital Development  
22    IV, LLC, a Missouri limited liability company (the “Phase 2 Developer”; the Phase 1 Developer  
23    and Phase 2 Developer being defined herein collectively as the “Developer”) with respect to the

1 redevelopment of Phase 2 of the Redevelopment Project, in order that Developer may complete  
2 the Redevelopment Project which will provide for the promotion of the general welfare through  
3 redevelopment of RPA 2 in accordance with the Redevelopment Plan which redevelopment  
4 includes, but is not limited to, assistance in the physical, economic, and social development of  
5 the City of St. Louis, encouragement of a sense of community identity, safety and civic pride and  
6 the elimination of impediments to land disposition and development in the City of St. Louis; and

7       **WHEREAS**, pursuant to the provisions of the TIF Act, the City is authorized to enter  
8 into (i) a redevelopment agreement with City Hospital Development III, LLC as the Phase 1  
9 Developer setting forth the respective rights and obligations of the City and Developer with  
10 regard to the redevelopment of Phase 1 of RPA 2 (the “Phase 1 Redevelopment Agreement”);  
11 and (ii) a redevelopment agreement with City Hospital Development IV, LLC as the Phase 2  
12 Developer, setting forth the respective rights and obligations of the City and Developer with  
13 regard to the redevelopment of Phase 2 of RPA 2 (the “Phase 2 Redevelopment Agreement”; the  
14 Phase 1 Redevelopment Agreement and the Phase 2 Redevelopment Agreement being  
15 collectively, the “Redevelopment Agreements”); and

16       **WHEREAS**, the Board of Aldermen hereby determines that the terms of the  
17 Redevelopment Agreements attached as **Exhibit A** and **Exhibit B** hereto and incorporated herein  
18 by reference are acceptable and that the execution, delivery and performance by the City and the  
19 Developer of their respective obligations under the Redevelopment Agreements are in the best  
20 interests of the City and the health, safety, morals and welfare of its residents, and in accord with  
21 the public purposes specified in the TIF Act and the Redevelopment Plan.

22       **BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:**

1           **SECTION ONE.** The Board of Aldermen hereby ratifies and confirms its approval of  
2 the Redevelopment Plan, Redevelopment Area, RPA 2 and Redevelopment Project. The Board  
3 of Aldermen further designates (i) City Hospital Development III, LLC as developer of Phase 1  
4 of RPA 2 and (ii) City Hospital Development IV, LLC as developer of Phase 2 of RPA 2, and  
5 finds and determines that it is necessary and desirable to enter into (a) the Phase 1  
6 Redevelopment Agreement with City Hospital Development III, LLC, as developer of Phase 1 of  
7 RPA 2, and (b) the Phase 2 Redevelopment Agreement with City Hospital Development IV,  
8 LLC, as developer of Phase 2 of RPA 2, in order to implement the Redevelopment Project and to  
9 enable the Developer to carry out its proposal for development of the Redevelopment Project.

10           **SECTION TWO.** The Board of Aldermen finds and determines that the assistance of  
11 tax increment financing is necessary and desirable in order to implement the Redevelopment  
12 Project and to enable City Hospital Development III, LLC, and City Hospital IV, LLC as  
13 Developer of RPA 2, to carry out its proposal for development of the Redevelopment Project.

14           **SECTION THREE.** The Board of Aldermen hereby approves, and the Mayor and  
15 Comptroller of the City are hereby authorized and directed to execute, on behalf of the City, the  
16 Redevelopment Agreement by and between the City and the Developer attached hereto as  
17 **Exhibit A** and **Exhibit B**, and the City Register is hereby authorized and directed to attest to the  
18 Redevelopment Agreements and to affix the seal of the City thereto. The Redevelopment  
19 Agreements shall be in substantially the forms attached, with such changes therein as shall be  
20 approved by said Mayor and Comptroller executing the same and as may be consistent with the  
21 intent of this Ordinance and necessary and appropriate in order to carry out the matters herein  
22 authorized.

1       **SECTION FOUR.** The Mayor and Comptroller of the City or their designated  
2 representatives are hereby authorized and directed to take any and all actions to execute and  
3 deliver for and on behalf of the City any and all additional certificates, documents, agreements or  
4 other instruments as may be necessary and appropriate in order to carry out the matters herein  
5 authorized, with no such further action of the Board of Aldermen necessary to authorize such  
6 action by the Mayor and the Comptroller or their designated representatives.

7       **SECTION FIVE.** The Mayor and the Comptroller or their designated representatives,  
8 with the advice and concurrence of the City Counselor and after approval by the Board of  
9 Estimate and Apportionment, are hereby further authorized and directed to make any changes to  
10 the documents, agreements and instruments approved and authorized by this Ordinance as may  
11 be consistent with the intent of this Ordinance and necessary and appropriate in order to carry out  
12 the matters herein authorized, with no such further action of the Board of Aldermen necessary to  
13 authorize such changes by the Mayor and the Comptroller or their designated representatives.

14       **SECTION SIX.** It is hereby declared to be the intention of the Board of Aldermen that  
15 each and every part, section and subsection of this Ordinance shall be separate and severable  
16 from each and every other part, section and subsection hereof and that the Board of Aldermen  
17 intends to adopt each said part, section and subsection separately and independently of any other  
18 part, section and subsection. In the event that any part, section or subsection of this Ordinance  
19 shall be determined to be or to have been unlawful or unconstitutional, the remaining parts,  
20 sections and subsections shall be and remain in full force and effect, unless the court making  
21 such finding shall determine that the valid portions standing alone are incomplete and are  
22 incapable of being executed in accord with the legislative intent.

1           **SECTION SEVEN.** After adoption of this Ordinance by the Board of Aldermen, this  
2 Ordinance shall become effective on the 30th day after its approval by the Mayor or adoption  
3 over his veto; *provided that* if, within ninety (90) days after the effective date of this Ordinance,  
4 the Developer has not (i) executed a redevelopment agreement pertaining to Phase 1 of the  
5 Redevelopment Project and (ii) paid all fees due to the City in accordance with the terms of the  
6 Phase 1 Redevelopment Agreement, the provisions of this Ordinance shall be deemed null and  
7 void and of no effect and all rights conferred by this Ordinance on Developer, shall terminate,  
8 *provided further*, however, that prior to any such termination the Developer may seek an  
9 extension of time in which to execute the Phase 1 Redevelopment Agreement, which extension  
10 may be granted in the sole discretion of the Board of Estimate and Apportionment of the City of  
11 St. Louis.

**EXHIBIT A**

Redevelopment Agreement by and between the City of St. Louis and  
the Developer  
(Attached hereto.)